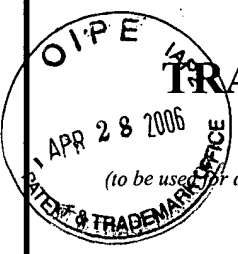


05-01-06


PTO/SB/21 (09-04)

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|  TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/881,181 | |
| | Filing Date | June 14, 2001 | |
| | First Named Inventor | Walter Wallach | |
| | Art Unit | 3626 | |
| | Examiner Name | Dilek B. Cabanoglu | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 13463-701.201 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement and PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard and copies of references 86 cited |
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|---|---|----------|--------|
| Firm Name | WILSON SONSINI GOODRICH & ROSATI | | |
| Signature |  | | |
| Printed Name | Cecily Anne O'Regan | | |
| Date | April 28, 2006 | Reg. No. | 37,448 |

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Attorney Docket No. 13463-701.201
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Walter Wallach, et al.

Serial Number: 09/881,181

Filing Date: June 14, 2001

Title: SECURE MEDICAL TEST AND
RESULT DELIVERY SYSTEM

Group Art Unit: 3626

Examiner: Dilek B. Cobanoglu

CONFIRMATION NO: 6808

FILED BY EXPRESS MAIL ON: April 28 2006
EXPRESS MAIL LABEL NO.: EV 711 418 004 US

Commissioner for Patents
P.O. Box 1450
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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached forms PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached forms PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

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A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;

-- OR --

☐ (3) It is being filed before the mailing of a first Office action on the merits;

-- OR --

☐ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a statement as specified in §1.97(e) provided concurrently herewith;

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☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);

-- AND --

ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e). Statement.

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);

-- AND/OR --

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND


☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.13463-701.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 4/22/06

By: 
Cecily Anne O'Regan
Registration No. 37,448

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971



PTO/SB/08 (07/05)

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| | | | | Application Number | 09/881,181 |
| | | | | Filing Date | June 14, 2001 |
| | | | | First Named Inventor | Walter Wallach |
| | | | | Art Unit | 3626 |
| | | | | Examiner Name | Dilek B. Cobanoglu |
| Sheet | 1 | Of | 10 | Attorney Docket Number | 13463-701.201 |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | 120 | US- 5,684,460 | 11-04-1997 | Scanlon | |
| | 121 | US- 5,784,300 | 07-21-1998 | Neumeier, et al. | |

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| Examiner Signature | Date Considered |
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| | | | | First Named Inventor | Walter Wallach |
| | | | | Art Unit | 3626 |
| | | | | Examiner Name | Dilek B. Cobanoglu |
| Sheet | 2 | Of | 10 | Attorney Docket Number | 13463-701.201 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | 127 | WO 1989/07701 | 08-24-1989 | Gardner, et al. | | |
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| | | | | Examiner Name | Dilek B. Cobanoglu |
| Sheet | 3 | Of | 10 | Attorney Docket Number | 13463-701.201 |

| NON PATENT LITERATURE DOCUMENTS | | | |
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| | 139 | BREIMAN, L., 1996. The Heuristics of Instability in Model Selection. <i>Annual Stat.</i> 24: 2350-83 | |

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|--------------------|-----------------|
| Examiner Signature | Date Considered |
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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
| | 140 | BRISKORN, 1995. Sleep Market Wide Awake- It's a booming market, but success in the sleep testing and therapy business depends on partnering with physicians and managed care payers. <i>Homecare</i> 97-100. | |
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| | 149 | DOUGLAS, N.J., 2000. Upper airway resistance syndrome is not a distinct syndrome. <i>Am J Respir Crit Care Med</i> 161: 1413-1416 | |
| | 150 | DOUGLAS, ET AL., 1992. Clinical value of polysomnography. <i>Lancet</i> 339: 347-350 | |

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| Sheet | 5 | Of | 10 | Attorney Docket Number | 13463-701.201 |

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